

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
SUPPLEMENTAL DOCKET NUMBER 1  
FOR THE REGULAR MEETING OF  
TUESDAY, MAY 7, 2002**

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**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\*ITEM-S500: Six actions related to Parcel Map W. O. No. 410666 (Sunroad) and Related Items.

(Otay Mesa Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-1407)

Approving the Final Map.

Subitem-B: (R-2002-1409)

Authorizing the City Manager to execute a Subdivision Improvement Agreement with Sunroad Otay Partners, L.P., for the installation and completion of certain public improvements;

Declaring that this resolution shall not be effective unless Sunroad sells to Orix Otay, LLC, that portion of property owned by Sunroad which lies south of the proposed right-of-way for Interstate 905.

Subitem-C: (R-2002-1408)

Authorizing the City Manager to execute a Subdivision Improvement Agreement with Orix Otay, LLC, for the installation and completion of certain public improvements;

Declaring that this resolution shall not be effective unless Orix purchases from Sunroad Otay Partners, L.P., that portion of property owned by Sunroad which lies south of the proposed right-of-way for Interstate 905.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS: (Continued)

\*ITEM-S500: (Continued)

Subitem-D: (R-2002-1410)

Authorizing the City Manager to terminate a Subdivision Improvement Agreement entered into with Sunroad Otay Partners, L.P., on August 15, 2002, by Resolution R-293722, and releasing Performance Bond No. BE2616627 issued by Gulf Insurance Company in the amount of \$5,392,036, for the installation and completion of certain public improvements;

Declaring that this resolution shall not be effective unless Sunroad sells to Orix Otay, LLC, that portion of property owned by Sunroad which lies south of the proposed right-of-way for Interstate 905.

Subitem-E: (R-2002-1411)

Authorizing the City Manager to execute an agreement with Sunroad Otay Partners, L.P., for the construction of an off-site drainage channel;

Declaring that this resolution shall not be effective unless Sunroad sells to Orix Otay, LLC, that portion of property owned by Sunroad which lies south of the proposed right-of-way for Interstate 905.

Subitem-F: (R-2002-1494)

Authorizing the City Manager to execute an agreement with Orix Otay, LLC, for traffic signal improvements;

Declaring that this resolution shall not be effective unless Orix purchases from Sunroad Otay Partners, L.P., that portion of property owned by Sunroad which lies south of the proposed right-of-way for Interstate 905.

**CITY MANAGER SUPPORTING INFORMATION:**

This parcel map proposes the consolidation of 31 lots into nine parcels on a 74.529 acre site for industrial development. It is located southwesterly of Otay Mesa Road and Piper Ranch Road in the Otay Mesa Community Plan Area. This parcel map requires City Council approval because streets, drainage and slope easements, and irrevocable offers to dedicate public streets are being vacated on the map.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS: (Continued)

\*ITEM-S500: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

The streets, easements and irrevocable offers to dedicate granted to the City of San Diego on Sunroad Otay Park 1 Map No. 14023 are no longer necessary because of the redesign for the property, and are therefore being vacated. A new drainage easement is granted on the map to accommodate the new utility locations. Staff has determined that the revised project is consistent with all existing regulations and the previously approved tentative map.

The original map of Sunroad Otay Park 1 Map No. 14023 is being divided into two parts via this parcel map. The public improvements for the northern portion as shown on Engineering Drawing No. 31562-D are being assured by an agreement and bond in the amount of \$2,526,177. The public improvements for the southern portion of the map as shown on Engineering Drawing No. 29251-D are being assured by an agreement and bond in the amount of \$1,859,318. These bonds will replace the original one in the amount of \$5,392,036, which will be released upon termination of the original agreement. The difference in total amounts is due to the elimination of internal streets as vacated on the parcel map.

The offsite drainage channel required for this project is shown on the plans for the southern portion of the map. The subdivider of the northern portion is entering into an agreement whereby he will construct this channel in the event that it is required prior to the time that the southern improvements are constructed.

For ADT information, please refer to Project Traffic Information sheet.

The subdivider of the southern portion of the parcel map has entered into a bonded agreement with the City of San Diego in order to assure the installation of a traffic signal and related public improvements at the intersection of Airway Road/Piper Ranch Road.

**FISCAL IMPACT:** None.

Ewell/Broughton/GRB

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS: (Continued)

\*ITEM-S501: Carmel Mission Park.

(Carmel Valley Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1506 Cor. Copy)

Authorizing the City Auditor and Comptroller to expend \$58,000 from the Public Liability Fund, Fund No. 81140, for the settlement of all claims of property rights between the parties to the action entitled, City of San Diego v. NM Homes One, LLC, et al., San Diego Superior Court Case No. GIC785332, to the property known as Carmel Mission Park;

~~Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2002 Capital Improvements Program Budget to add CIP-29-574.0, Linear Park - San Diego Gas and Electric Easement, in the amount of \$54,600 from Carmel Valley North Facilities Benefits Assessment, Fund No. 79002;~~

Authorizing the City Auditor and Comptroller to expend ~~an amount not to exceed \$54,600 from CIP-29-574.0, Linear Park - San Diego Gas and Electric Easement, to acquire property rights for Carmel Mission Park;~~ \$54,600 from Public Liability Fund, Fund No. 81140, to acquire property rights for Carmel Mission Park;

Declaring that this action is exempt from CEQA pursuant to State CEQA Guidelines, Section 15061(b)(3).

**CITY MANAGER SUPPORTING INFORMATION:**

The authorization of \$54,600 will allow for the acquisition of Lot 54 of Map 11364, Carmel Valley Unit No. 1. Lot 54 is 2.93 acres in size and is adjacent to the existing Carmel Mission Park. The acquisition of this parcel will provide for the expansion of the existing park to over 7½ acres.

ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS: (Continued)

\*ITEM-S501: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

The authorization of \$58,000 will be for the settlement of a Quiet Title Lawsuit regarding property rights for Lot 54.

**FISCAL IMPACT:**

\$54,600 is available in Fund 79002, CIP-29-574.0, and \$58,000 is available from Public Liability Fund 81140.

Herring/Griffith/MRS

Aud. Cert. 2201075.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS: (Continued)

\*ITEM-S502: Reimbursement Agreement to Construct Street Improvements on the Southwest Corner of the Intersection of Rosecrans Street and Midway Drive.

(Midway/Pacific Highway Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1487)

Authorizing the City Manager to execute a Reimbursement Agreement with Evergreen Devco, Inc., for the construction of street improvements at the southwest corner of Rosecrans Street and Midway Drive;

Declaring that the Competitive Bid Solicitation requirements are not applicable to the Project because competitive proposals would be unavailing, would not produce an advantage, and the advertisement for competitive bids would be undesirable, impractical, or impossible. The requirement for solicitation of competitive bids does not apply to the Project based upon the following relevant facts: (a) developer has completed design of the project and is willing to absorb the costs of design beyond the fair share Development Impact Fee of \$23,000, (b) developer is having property owner dedicate the street frontage at no cost to the City, and (c) due to crews being on-site, the constructed street improvements will be accomplished more expeditiously and at less cost to the City. The improvements to be constructed are not required under Evergreen Devco, Inc.'s permit, nor could they be an exaction;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$275,000 for project reimbursement subject to Reimbursement Agreement conditions.

**CITY MANAGER SUPPORTING INFORMATION:**

Walgreen Company has acquired 3005 Midway Drive (intersection of Rosecrans Street and Midway Drive) and proposes to construct a 14,490 square foot Walgreens Pharmacy. In conjunction with this re-development, Evergreen Devco, Inc., Developer of the Walgreen's project, has agreed to enter into a reimbursement agreement to construct street improvements on the southwest corner of the intersection of Rosecrans Street and Midway Drive.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS: (Continued)

\*ITEM-S502: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

Such improvements will include the construction of a right-turn lane on the south side of Midway Drive, relocation and/or replacement of a traffic signal, relocation and/or replacement of a storm drain and catch basin and miscellaneous public utilities, relocation and/or replacement of a raised median, traffic lane striping, and the installation of sidewalk, curbs and gutters, and of landscaping. Midway/Pacific Highway Development Impact Fee Fund (\$53,000) and State Route 209 and 274 Cooperative Agreement Fund (\$222,000) are available to finance the reimbursement agreement.

The requirement for solicitation of competitive bids will not apply to this project based upon the following relevant facts: developer has completed design of the project and is willing to absorb the costs of design beyond the fair share Development Impact Fee of \$23,000; developer is having property owner dedicate the street frontage at no cost to the City; due to crews being on-site, the constructed street improvements will be accomplished expeditiously and at less cost. The improvements to be constructed are not required by permit; nor could they be an exaction.

**FISCAL IMPACT:**

Minimal. The funds needed for this project will be provided from Midway/Pacific Highway Community Development Impact Fees and from State Route 209 and 274 Cooperative Agreement funds.

Ewell/Goldberg/GH

Aud. Cert. 2201060.